IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1374 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE B.C.PATEL
and
Hon'ble MR.JUSTICE D.A.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

LOK ADHIKAR SANGH

Versus

STATE OF GUJARAT

Appearance:
MR GIRISH PATEL for Petitioners
GOVERNMENT PLEADER for Respondent No. 1
NOTICE SERVED for Respondent No. 2, 3

CORAM : MR.JUSTICE B.C.PATEL
and
MR.JUSTICE D.A.MEHTA

Date of decision: 22/03/2001

ORAL JUDGEMENT

(Per : MR.JUSTICE B.C.PATEL)

#. This matter was called out on several occasions, but

the learned counsel appearing for the petitioner did not remain present. On 6.11.2000, specific order has been passed.

#. We have taken into consideration the affidavit filed by Shri B.D. Ninama, Deputy Collector. He has pointed out with regard to paras 3 and 21 of the memo of petition that the land acquired from the petitioner no. 2 has been acquired legally after following the due procedure of law in which the possession of piece of land of Survey No. 334 has been handed over to Deputy Engine, Valia on 21.3.1975 on account of which the compensation cost has been paid to him. No objection was raised at any time even with regard to the compensation. It is pointed out that notices under section 4 (1) of the Land Acquisition Act have been issued and served upon all the account holders or the parties of the said award at the relevant time. After following the procedure, awards have been made and none has raised any objection in writing.

#. With regard to para 11 of the petition, it is specifically pointed out that Survey No. 156 has not been acquired but the land of Survey No. 177 of the same account holder has been acquired in this case. With regard to the land referred in para 12, it is pointed out that after following the procedure of law, the lands have been acquired for water project. With regard to paras 13 and 14 of the petition, it is pointed out that after following the procedure, lands have been acquired and the compensation has been paid to the concerned account holders. In view of this, we find no merit in the petition and the petition is dismissed. Rule is discharged.

[B.C. PATEL, J.] [D.A. MEHTA, J.]

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